HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.18004 of 2004

Dated this the 17th day of December, 2007

Between:

M/s.Amba Industries … Petitioner

AND

Central Power Distribution Co. of AP Ltd
and 2 others …. Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.18004 of 2004

ORDER:

This Writ Petition has been filed by the petitioner seeking to declare that the proceedings dated 31.08.2004 issued by the first respondent and the consequential letter of the second respondent dated 04.09.2004 demanding the petitioner to pay a sum of Rs.2,19,987/- towards balance final assessment of alleged pilferage, is illegal arbitrary and in violation of the principles of natural justice.

2) The petitioner is an industry. A service connection was given to the said industry and the electricity is being utilized to run the industry. The consumer service was inspected by the Divisional Engineer on 21.12.2003 and found the following incriminating points.

i) 2 Nos. meter box seals bit No.R49800 & 49801, with impression APSEB are in tampered condition with seal wire cut and having extra pressing marks on the bits at the edges indicating the consumer has gained access into the meter box.

ii) After opening the meter box, it is observed that 2 Nos. test block seals are in tampered condition with blue plastic seal bit seal wire found cut and inserted in seal bit hole. The other lead seal bit of TTB found having extra pressing mark at the edge of seal bit and the seal wire in one hole is different to that of actual sealing wire for sealing indicating the consumer has opened the test terminal block.

iii) Display parameters are noted and found the R-Phase and Y-Phase currents are very less compared to that of B-Phase current and I.T currents.

iv) After opening the test block it is observed that the R-Phase CT Serew closed i.e., shorted by passing the current in R-Phase. On review of meter data read through CMRI and on review of the consumption and MD recorded, which clearly establishes that the consumer has deliberately shorted the R-Phase current coil by passing the meter recording. Thus the consumer is found indulging in pilferage of energy by tampering the meter box. TTB seals and deliberately shorting the R-Phase current and by passing the meter recording in R-phase and thus dishonestly abstracting the power. This constitutes pilferage of energy.

3) After finding the above incriminating material, the Divisional Engineer (Electrical Operation) assessed the loss sustained by the company on account of such pilferage of electricity at Rs.19,71,595/- and calling on the consumer to pay Rs.9,85,798/- towards 50% of the initial assessment plus supervision charges of Rs.150/- for continuation of supply pending finalization of the case. Being aggrieved by the said order, the petitioner made a representation to the Superintending Engineer questioning the quantum of amount fixed by the Divisional Engineer. After considering the facts, the Superintending Engineer being the final assessment authority reduced

the amount to Rs.5,48,587/- by taking into consideration various aspects in the process of consumption. Being aggrieved by the same, the further application was made to the Chief General Manager, Andhra Pradesh Central Power Distribution Company Limited and the Chief General Manager confirmed the order of the Superintending Engineer directing the petitioner to pay the said amount. In pursuance of the same, the Superintending Engineer issued a notice on 04.09.2004 directing the petitioner to pay Rs.2,19,987/- being the balance amount of the final assessment of pilferage of energy case. Being aggrieved by those orders, the present writ petition has been filed.

4) Though the petitioner was contending that he was not given an opportunity to make proper representation, no other points have been raised as to how the assessment made by the Superintending Engineer, which was confirmed by the Chief General Manager is illegal and arbitrary. In the absence of any such material pointing out any illegality in assessing the amount, no direction need be given to the respondents and there is no possibility of declaring that the assessment made by the Superintending Engineer is illegal and arbitrary.

5) After going through the entire material, I do not find any ground to grant any relief especially by invoking extraordinary jurisdiction of this Court through this writ petition.

6) Accordingly, the writ petition is dismissed. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 17.12.2007
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